

The Ollila Law Group LLC
2060 Broadway
Suite 300
Boulder, Colorado 80302

PATENT APPLICATION
ATTORNEY DOCKET NO. 20501/553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles Jeff Morgan

Application No.: 10/716,687

Group No.: 3682

Filed: November 19, 2003

Examiner: Marcus Charles

For: POWER SHAFT INCLUDING A BELT RETAINING GEOMETRY

MAIL STOP APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS
P. O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL – RESPONSE TO EXAMINER’S REPLY

Pursuant to the provisions of 37 CFR § 41.41, Applicants hereby respond to the statements made in the Examiner’s Reply mailed on January 11, 2008.

The Examiner’s Reply asserts that the belt groove of Lawroski “includes an angled portion on either side of the groove irrespective of the shape of the groove.” The assertion by the Examiner that Lawroski has two angled portions is simply incorrect.

Lawroski shows only a circular groove within a shaft. Nowhere in the text of Lawroski is any implicit or explicit statement of any other shape. FIG. 1A of Lawroski clearly and plainly shows a belt tool 60 having a circular cross-section at regions (67a) and (67c). The circular belt tool 60 corresponds to and fits fully into the circular belt groove 42, as is shown in the figure. Lawroski states that the belt tool 60 is formed of a “rod” (see col. 2, lines 49-53) and states that the “rod” has a “diameter”. Non-circular shapes do not possess a diameter. No angled portions are shown. No angled portions are explicitly or implicitly disclosed in the text.

The Examiner's Reply asserts that in the belt groove of Lawroski, "there must exist and [sic] first and second side [sic] which are joined by a middle portion." This is an assertion without any basis in fact.

There "must" exist? No. A curved shape is smooth and continuous, and there are no divisible or distinguishable "portions" in a curved shape.

The Examiner's Reply asserts that Lawroski "fails to disclose the shape of the belt groove." FIG. 1A of Lawroski clearly and plainly shows a groove 42 having a smooth, continuous, and circular shape.

The Examiner's Reply asserts that, in FIG. 1A of Lawroski, "the groove has two-angled portion [sic] which are joined by a middle portion (see area of the arrow of X)." This is simply incorrect. An angled portion comprises a generally planar surface. The very first definition of "angle" given in the dictionary defines an "angle" as "the shape made by two straight lines meeting in a point, or by two plane surfaces meeting along a line", *Webster's New Universal Unabridged Dictionary*, Deluxe Second Edition, page 70, Dorset & Baber (1983). In contrast, Lawroski shows a curved surface. What is more, Lawroski clearly shows a continuously curved surface. There is no change in curvature in the groove of Lawroski, in contrast to what the Examiner's Reply is attempting to imply.

The Examiner's Reply appears to imply that Lawroski meets the structural limitations of the present claims. This is incorrect. For example, independent claim 1 recites "a reduced diameter portion 14 formed on the shaft and located adjacent to the normal belt position portion." In Lawroski, the normal belt position portion is the belt groove, so it is physically impossible for the belt groove 42 (*i.e.*, a reduced diameter portion) to be located adjacent to the normal belt position portion.


The Examiner's Reply asserts that "the claims are to a subcombination apparatus, only drawn to a shaft not a belt plus shaft." This is *mostly* incorrect. Independent apparatus claim 1 indeed does not claim the belt, but independent apparatus claim 8 does claim the belt (see line 12

of claim 8). Moreover, the Examiner's Reply mischaracterizes the claims and fails to grasp an essential feature, that the power shaft includes a reduced diameter portion located adjacent to a normal belt position portion. The Lawroski patent simply does not disclose the same structure.

The Examiner's Reply asserts that "a curved groove is made up of an infinite number of angles." Even if this theoretical construct were true and useful and somehow even tenuously applicable to the present situation, the present patent application discloses and claims an angled portion that does **not** comprise an infinite number of angled portions. The Examiner's Reply is trying to compare apples and oranges.

Respectfully submitted,

Date: 2/20/08


SIGNATURE OF PRACTITIONER

Gregg Jansen, Reg. No. 46,799
The Ollila Law Group LLC
Telephone: (303) 938-9999 ext. 14
Facsimile: (303) 938-9995

Correspondence Address:

Customer No: 32847